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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 0

Complete if Known	
Application Number	09/351,723
Filing Date	7/12/1999
First Named Inventor	Robert C. Wohlsen
Examiner Name	Azad, A.
Art Unit	2654
Attorney Docket No.	1094

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Deposit Account Name: Charles E. Gotlieb

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	21	- 22** =	X	=
Independent Claims	3	- 3** =	X	=
Multiple Dependent				=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge-late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expediated examination of a design application	

Other fee (specify) _____

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SUBTOTAL (3) ($)

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Charles E. Gotlieb	Registration No. (Attorney/Agent)	38,164	Telephone	650-328-0100
Signature	Charles E. Gotlieb			Date	2/17/2004

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	16

Application Number	09/351,723
Filing Date	7/12/1999
First Named Inventor	Robert C. Wohlsen
Art Unit	2654
Examiner Name	Azad, A.
Attorney Docket Number	1094

ENCLOSURES *(Check all that apply)*

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affadavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Assignment Papers *(for an Application)*
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
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- ☐ Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Charles E. Gotlieb
Signature	Charles E. Gotlieb
Date	February 17, 2004

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APPLICANT:	Robert C. Wohlsen et. al.
SERIAL NO:	09/351,723
FILING DATE:	7/12/1999
TITLE:	METHOD AND SYSTEM FOR IDENTIFYING A USER BY VOICE
GROUP ART UNIT:	2654
ATTY DOCKET NO:	1094
EXAMINER:	Azad, A.

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REPLY BRIEF UNDER 37 C.F.R. 1.193

SIR:

Responsive to Examiner's Answer mailed 12/17/2003:

The 112 Rejection

Citing no authority, the Examiner has asserted certain 112 rejections in the Official Actions. Applicants have provided competent, authoritative evidence that the rejection is improper. Examiner cites no authority in support of his position in Examiner's Answer on pages 7-8 (subsection A).

Examiner seems to be asserting on page 8, lines 3-4 of Examiner's Answer, that, although the term "speaker independent voice recognition" was proper at the time the cited edition of Newton's Telecom Dictionary was published, it isn't any longer. The edition cited in appellant's appeal brief was published in 1998, the year before the application was filed. Attached as amendment A is the 2003 version of Newton's Telecom Dictionary which contains the same term as is used in the claims, with the same definition as was published in 1998. This is credible authority for Applicant's position. Examiner has again cited no authority for his position. Therefore, the 112 rejection should be dismissed.

The Issue of Elements 221 and 222

Elements 221 and 222 recognize a spoken password, and then confirm the recognition to the user. For

example, if the user speaks a password of "3456", elements 221 and 222 describe the recognition of the spoken password, and the confirmation, such as "You said 3456". In the Appeal Brief, Appellants argued that this did not teach or suggest "responsive to the voice recognition technique, selecting from the first plurality of users a second plurality of users, smaller than the first plurality of users by a factor of at least ten, for which the first voice recognition most closely matches at least one selected from the set of at least one grammar and the set of at least one voiceprint associated with the identifiers of the second plurality of users."

Examiner's Answer contains several points in response, none of which prove what Examiner is required to prove.

Examiner states in the second paragraph of page 9 in Examiner's Answer that by recognizing the pass number, it would obviously cut down a small number of users from a large number", but does not state that it would correspond to the remaining limitations of the claims, namely "for which the first voice recognition most closely matches at least one selected from the set of at least one grammar and the set of at least

one voiceprint associated with the identifiers of the second plurality of users." Examiner states that Schier matches grammars (citing Schier, col. 2, lines 4-10) at Examiner's answer, page 9, in the center of the second paragraph, and voiceprints, but Schier only discusses voiceprints and passwords and the like at column 2, lines 4-10, so it isn't clear what point Examiner is making.

Examiner also states in the second paragraph of page 9 that the selecting the closely matching user step is inherent in the fact that the abstract of the reference states that the user is identified. Again, Examiner does not state that the user is identified in the manner claimed, and the mere identification of the user could be performed in other ways. For example, since a password is being uttered, speaker independent voice recognition can be used to recognize the password, and then the recognized password can be compared to the user's password to identify the user. It is not inherent that a grammar of that user be used at all to recognize a user, as claimed. Therefore, the appealed claims are patentable over the cited references.

Voice Reorganization System

On page 9 (subsection C) of Examiner's answer, Examiner points out that the rejection was also based on art that Examiner asserted to be well known prior art, namely , a "voice reorganization (sic) system" which now appears as a "voice recognition system" in Examiner's answer.

Examiner has asserted on page 3 of Examiner's answer that the rejection made in the final office action is reproduced in on pages 4-7 of Examiner's answer. However, without mentioning that any change was made, Examiner has in fact changed the rejection that had actually been provided in the final office action, which read in the last paragraph of page 4 of the final office action, "voice reorganization system" to read on page 4 of Examiner's Answer as "voice recognition system". Examiner clearly asserts on page 3 of Examiner's Answer that Examiner was in fact, reproducing the rejections from the final office action. If Examiner is going to assert that he is reproducing the rejection from the final office action, Examiner should reproduce it, not change it. Alternatively, Examiner should state to the appeals board that he has changed the rejection from the final action.

In the response to this assertion of "well known prior art", applicants requested Examiner to provide evidence of such a system and its details of operations. Examiner did not provide any such details as Examiner was required to do under M.P.E.P. 2144.03. Thus, the "reference" is not part of the case.

Examiner states that the voice reorganization system was an obvious typographical error for a "voice recognition system", but still has provided no details of that system that show that it meets all of the claim limitations. Kanevsky does not teach the claim limitations, which is why Examiner was bringing in the "well known prior art" in the first place. Kanevsky does not discuss the at least the factor of ten limitation in the claim.

Furthermore, Examiner stated near the bottom of page 4 of the final action that it would be obvious to combine the well known teaching because voice recognition has the ability to recognized (sic) persons (sic) unique characteristics of utterance. This may or may not be true, but Examiner never explained why there was any motivation to combine this function in a password protected system like Schier. Schier relies on the user's knowledge of the password

to identify a single user from the others. Schier does not need to identify the person's unique characteristics because Schier relies on an entirely different arrangement: the user's knowledge of the password. Examiner, however, seeks to pick and choose elements from the reference with no motivation other than the hindsight reconstruction of Applicant's invention. Therefore, the appealed claims are patentable over the cited references.

Reduction by At least a Factor of Ten

On Page 10 (response to D) of Examiner's Answer, Examiner appears to state that 1)the claim is unsupported by the specification; 2)this gives the Examiner the right to redraft the claim in a manner that is supported by the specification; 3)when Examiner does redraft the claim in a manner that is supported by the specification, the cited reference anticipates the claim. Implicit in this argument is the fact that the cited reference does not anticipate the language of the claim as written.

First, Applicants' attorney genuinely appreciates such a creative argument. As imaginative as the argument may be, the argument is unsupported by law or fact, however, so Examiner's argument fails. First,

the specification does support the claim as written, including, without limitation, at page 13, lines 8-12, "For example, name recognizer **244** can attempt to narrow the list down to ten accounts or even a hundred, which may be smaller than the number of valid, enrolled accounts, which may number in the thousands, tens of thousands, hundreds of thousands or millions." Thus, the claim limitation at issue is supported by the specification.

Second, Examiner can interpret claims in light of the specification and give them broad accepted meaning. Examiner can further reject a claim that is unsupported by the specification under 35 U.S.C. 112. But what Examiner cannot do is redraft a claim, for any reason, to make it fit a reference better. Examiner must live with the claim language at hand. By Examiner's implication, the reference does not anticipate the claim term (if it did, presumably Examiner would not have to resort to impermissibly rewriting it). Therefore, the appealed claims are patentable over the cited references.

Examiner takes another stab at this in his response to G on page 11. However, again, Examiner is required to show each of the features claimed, and

Kanevsky's abstract does not do this in the manner claimed, nor does it "imply" a drastically reduced list as Examiner states without any explanation. A reduction by one out of one hundred would fulfill Kanevsky's abstract. Therefore, the appealed claims are patentable over the cited references.

No Motivation to Combine.

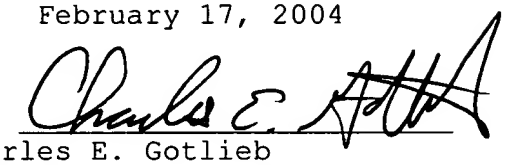
In Examiner's response to E and F on pages 10-11 of Examiner's Answer, Examiner attempts to make up for the lack by Examiner's in any office action rejection of any motivation to combine by stating one for the first time in Examiner's answer. Unfortunately, it is too late at this point in the prosecution of this case for Examiner to supply such a motivation. Furthermore, Examiner supplies no source of this motivation, other than the hindsight reconstruction of Applicant's invention. Because no motivation to combine was supplied in prosecution, and no valid motivation has been supplied even now, Examiner has not met his burden under 35 U.S.C. 103 and the appealed claims are patentable over the cited references.

No Recitation of Structure

On page 11 of Examiner's Answer, in Examiner's response to H, Examiner still has not shown the claimed structure that appellants in their appeal brief stated was not shown. Examiner believes that he may reject claims that recite structure based on rejections of other claims that do not recite structure. First, as noted above, those rejections are unfounded. Assuming for the sake of argument that the rejections of other claims was persuasive, Examiner must show each and every feature of the claim at issue, and cannot point to another claim that has certain language similar to the claim being rejected as the sole basis for Examiner's rejection of the claim at issue. Examiner's statement of inherency of a second user does not appear to address the issue, which is whether the claimed structure has been anticipated by the references. Therefore, claim 30 is patentable over the cited references.

The section 112 rejection should be withdrawn and the appealed claims are patentably distinguishable over the cited references. Favorable action is solicited.

February 17, 2004

By: 

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Amendment A: Newton's Telecom Dictionary, 2003 Edition

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Ray Horak, Senior Contributing Editor
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Brad Greene, Text Layout

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...is used mostly by local bridges; it is not economical for use over ... connecting remote bridges.

...Protocol STP. Inactivation of links between networks so that ... channeled along one route and will not search endlessly for a des-...

...Authentication Protocol.

...' open, RISC-based (Reduced Instruction Set Computer) archi-...: SPARC is the basis for Sun's own computer platforms and it's ...

...Microsystems' standard microprocessors supporting SBus expan-...MHz and above speeds. Up to 512 MB memory on-board.

...stars in a television picture which result from interference.

...Microsystems' latest microprocessor architecture. It handles real time ... and other on-chip multimedia.

...existing distribution systems, twisted pairs that are not being used ... new communications devices. Spare pairs are exactly what they ... pairs of cables. Best to install as many spares as you can when you ...ding or office. Remember Newton's Rule: You'll always need twice ... ever dreamed in your wildest dreams you'd need.

...of providing redundancy, or fault tolerance, in systems or networks ... includes one or more spare elements. Thereby, a spare element ...sor or network circuit) is available in the event of a failure. A com-...) Sparing," which adds one backup element to the number required ... While sparing is expensive, it is essential in mission-critical appli-... where system and network resiliency demands 100% up-time. See ...

...very short duration.

...odes or electrodes designed to permit spark discharges to take place ...

...ment designed to locate pin-holes in a wire's insulation by application of ... across the material for a very short period of time while the wire is ...electrode field with one end of the wire grounded.

...work 1: A network concept describing an environment in which the ...d Offices (Central Offices) largely is stripped away in favor of the ...ively few centralized computer platforms which perform the majority of ... dumb switches make calls to the centralized processors which consult ..., providing the switches with instructions. The concept of a Sparse ...ared to that of the Advanced Intelligent Network (AIN).

...concept involving many fewer End Offices than are currently deployed. ...ubscriber access to a local End Office, traffic would be concentrated at ...ayed to a larger and more capable office serving a much larger geo-... In transmission technology, namely fiber optics, make this concept ... of transmission bandwidth is dropping precipitously, while the cost of ...ligent switches) is not. Hence the concentration of switches and ...

...and dxTA. Watch for this expression to pick up steam once true integra-... occurs. This expression does not come from the sentence: "Spata to ... tomorrow."

...Management A technique which allows users access to infor-... pictorial symbols on the screen.

...Control: All phone systems these days are SPCs. There's stored ... program, which controls the computer or microprocessor which in ...ration of the switch. Thus switches are stored program control.

...Component.

...Service An SCSA definition. A service which allocates SPCs ...Components) to Groups.

...Service.

...Controlled Switch. A digital switch that supports call control, rout-... services provision under software control. Pretty well switches ...in North America are SPCSs.

...error-correction protocol.

...Element or Signal Processing Element.

...Payload Envelope. A SONET term describing the envelope which carries the user data, or payload. The SPE comprises 783 octets, organized into 87 columns and 9 rows. Three different payload structures are defined to address different input requirements: 1. Direct-to-STS-1 line rate multiplexing takes 28 DS-1s, 14 DS-1Cs or 7 DS-2s directly into the 51.84 Mbps rate. Each is uniquely transported within the SPE; 2. Asynchronous DS-3 Multiplexing takes a complete asynchronous DS-3 bundle (the output of an M13 for example) into the SPE; 3. Synchronous DS-3 Multiplexing maps a Syntran DS-3 signal to the SPE. See also VT.

Speaker Adaptive Speech recognition which improves with use. See Speech Recognition.

Speaker Dependent Voice Recognition Technology capable of recognizing speech from a given user or others who sound like this user after completion of an enrollment procedure. It is not voice verification although it is sometimes confused with this technology.

Speaker Identification Speaker identification is used to determine the identity of a known speaker. It is accomplished by taking spoken input and searching a database of all known system users for a match. Due to its speaker dependent recognition characteristics, you must first be enrolled as a user prior to using the system. To enroll as a user, an individual is required to speak one or more password phrases which are recorded. These phrases create a reference templates which are stored in the system user database for later use during identification sessions. When in operation, the individual using the system is prompted for a specific password or password phrase. When speaking the prompted password as input it creates a new template. This template is then compared to all reference templates in the system for that particular password. The reference template with the closest match is selected. The uniqueness of each user's voice and the finite number of users of the system makes the identification accuracy quite high. With speaker identification the speaker does not claim to be a particular individual. He or she is identified from a group of common users. For the most part, this technology is used for hands free operation of a system where messages and other information specific to that identified individual are pulled-up for use at that time.

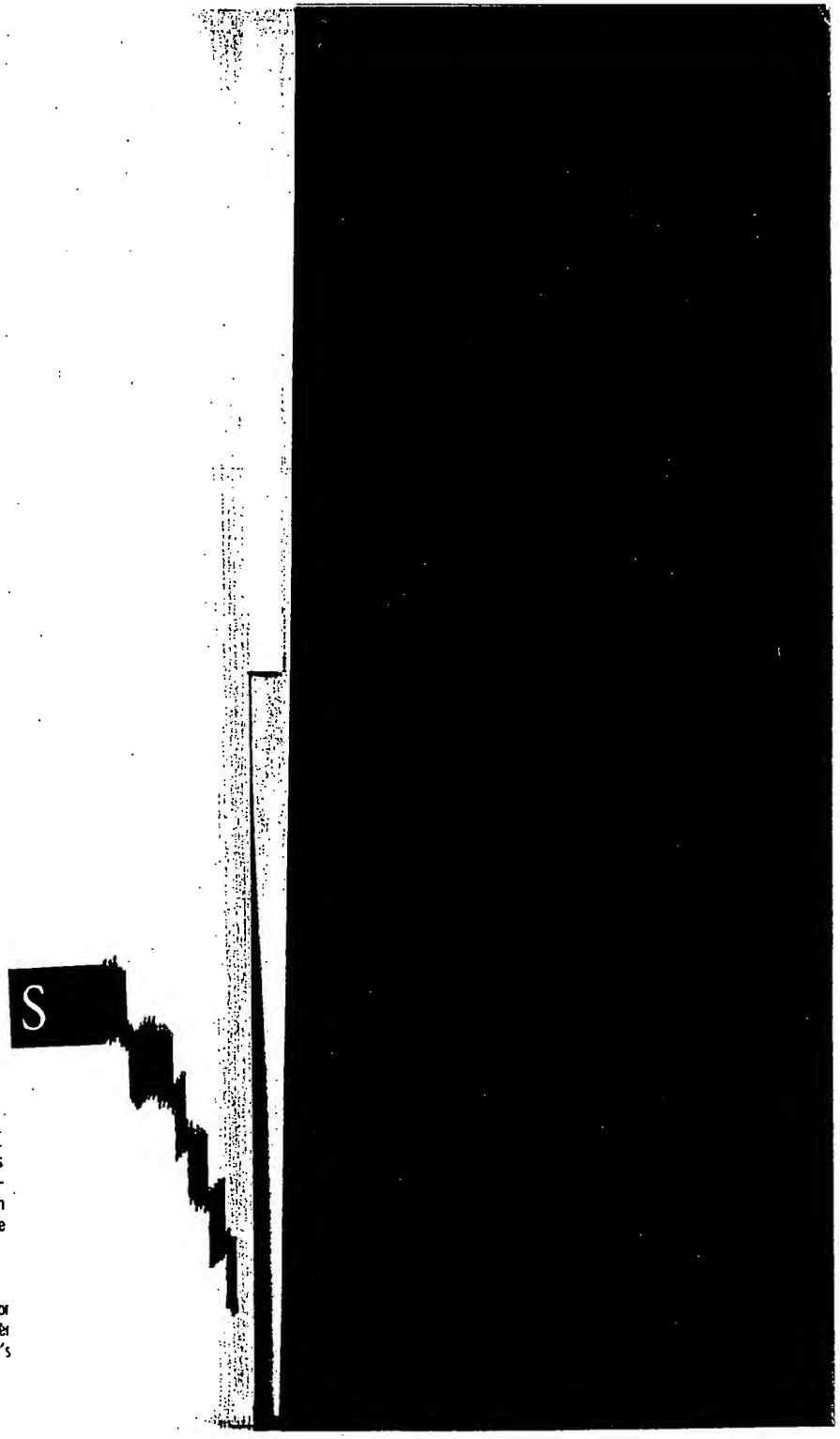
Speaker Independent Voice Recognition SIR or SIVR. Technology capable of recognizing any user's voice without prior training or knowledge of the user. SIR converts speech to accurate and meaningful textual information (typically ASCII). SIR is used to accept input from callers to voice processors where the callers are using rotary dial phones instead of touchtone phones. SIR can substitute for the numbers on the DTMF keypad and can add the benefit of a few basic voice commands, e.g., Yes, No, Help, etc. Because computer processing demands are formidable with speaker independent recognition, accurate speaker independent products are created with limited vocabularies. In contrast, trainable or speaker dependent recognizers can feature larger vocabularies at lower prices. SIR has been slowly gaining acceptance in telephone applications. SIR is increasingly used in automated operator assistance applications. SIR will see increased use as system builders respond to pressures to provide voice processing functions to the enormous rotary phone installed base domestically and abroad.

Speaker Recognition Having a machine recognize human voice. This is an imprecise term.

Speakerphone A telephone which has a speaker and microphone for hands free, two-way conversation. Western Electric (now Lucent Technologies) invented the loudspeaker. Western Electric was a very big name in the sound business prior to the 1956 Consent Decree. Watch the credits at the end of old movies, and you'll see "Sound by Western Electric." The original speakerphone was called the "loud-speaking telephone." Originally, a telephone loudspeaker was a peripheral device which connected to the telephone set. It wasn't until the late 1970s that they were integrated into the telephone to become speakerphones. See also Sound.

Special Access The lease of private, dedicated circuits along the network of an ILEC or CAP, which run from or to the long distance carriers POP. Examples of special access services are telecommunications lines running between POPs of a single long distance carrier, from one long distance carrier POP to the POP of another long distance carrier, or from an end-user to its long distance carrier POP. Special access services do not require the use of switches.

Special Access Code See Service Area Code.

Special Area Code See Service Area Code

Special Billing Number 1) A phone number assigned to certain customers for billing purposes. It cannot be called. It may be given to an operator as the calling number on an outgoing paid call, or it may be used as a "third number billed" number. It's